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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,339	03/19/2001	Hiroshi Yamaguchi	Q62091	6698
7590	08/24/2005		EXAMINER	
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC 2100 PENNSYLVANIA AVENUE, N.W. WASHINGTON, DC 20037-3213			HO, TUAN V	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/810,339	YAMAGUCHI, HIROSHI
	Examiner Tuan V. Ho	Art Unit 2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 09 June 2005.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-3 and 5-19 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 1-3, 5-8, 11-12 and 19 is/are allowed.  
 6) Claim(s) 9, 13, 16, 18 is/are rejected.  
 7) Claim(s) 10, 14, 15 and 17 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

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1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on \*\*\* has been entered.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9, 16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Asao (JP 03-070274 and English translation previously cited).

With regard to claim 9, Asao discloses in Fig. 1, an image pickup device that comprises the optical lens (lens 2, paragraph 1, page 4), photographing unit for taking an image of a subject image through the optical lens (CCD 4, page 4); and a light quantity adjustment unit for partially adjusting a light

quantity of the image of said subject which is provided in an optical path of light carrying the image of said subject and between said optical lens and said photographing unit (LCD 3 is positioned between lens 2 and CCD 4 as shown in Fig. 1), when said photographing unit is a unit for reading the image of said subject photo-electrically, said photographing device further includes a condition setting unit for setting an adjustment area or said light quantity adjustment unit corresponding to a light quantity adjustment portion of the image of said subject, based image data of a pre-read image which was obtained by previously reading the image of said subject under a predetermined photographing condition by using said photographing unit (selection circuit 7 extracts signals in each regions of CCD 4 and provides the signals to circuit 8; where control formation circuit 8 receives integrated values of image brightness in each regions of CCD 4 and controls LCD 3 via driving circuit 9; noted that control circuit 8 controls LCD 3 based on pre-readout signals from CCD 4, page 4, paragraph 2 and page 5, paragraphs 1, 2 and 3).

With regard to claim 16, Asao discloses in Fig. 1, an image pickup apparatus that comprises the signal converter (selection circuit 7 extracts image data in each regions of image sensor 4; where the image includes bright and dark areas (page 4).

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With regard to claims 18, Asao discloses in Fig. 2, an image pickup apparatus that comprises the condition setting unit sets said adjustment area of said light quantity adjustment unit, based on information for designating a position of the light quantity adjustment position on said pre-read image, an image made with a second photoelectric converter or an image taken in a temporally precedent manner (control circuit 8 controls LCD 3 via driving circuit 9, where brightness areas is controlled by using LCD 3 (page page 4 paragraphs 1-3 and Figs. 2-5).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Asao.

With regard to claim 13, Asao discloses the same subject matter as discussed with respect to claim 9, except that

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the condition setting unit for setting an adjustment area of said light quantity adjustment unit corresponding to a light quantity adjustment portion of the image of said subject based on image data of an image taken in a temporally precedent manner.

Asao does not explicitly disclose condition setting unit for setting an adjustment area of said light quantity adjustment unit corresponding to a light quantity adjustment portion of the image of said subject based on image data of an image taken in a temporally precedent manner. However, Official Notice is taken for a correction circuit that corrects the brightness of an image based on an image taken in precedent manner.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the control circuit 8 of Asao so as to store a plurality of images and to adjust LCD 4 based on image data previously stored in circuit 8. That is because using a previous image data to correct a current image provides more accurate exposure data and thereby to provide proper image corrections in an exposure operation.

4. Claims 1-3, 5-8, 11-12 and 19 are allowed.

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5. Claims 10, 14, 15 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN HO whose telephone number is (571) 272-7365. The examiner can normally be reached on Mon-Fri from 7AM to 4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is (572) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (571) 272-2600.



TUAN HO

Primary Examiner

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